



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 1732

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1732 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. If and only if Senate Bill 51 of the 96th  
5 General Assembly, as enrolled, becomes law, then the Fiscal  
6 Control and Internal Auditing Act is amended by changing  
7 Sections 1003, 2001, and 2002 as follows:

8 (30 ILCS 10/1003) (from Ch. 15, par. 1003)

9 Sec. 1003. Definitions.

10 (a) "Designated State agencies" include the offices of the  
11 Secretary of State, the State Comptroller, the State Treasurer,  
12 and the Attorney General, the State Board of Education, the  
13 State colleges and universities, the Illinois Toll Highway  
14 Authority, the Illinois Housing Development Authority, the  
15 public retirement systems, the Illinois Student Assistance  
16 Commission, the Illinois Finance Authority, the Environmental

1 Protection Agency, the Capital Development Board, the  
2 Department of Military Affairs, the State Fire Marshal, ~~and~~  
3 each Department of State government created in Article 5,  
4 Section 5-15 of the Civil Administrative Code of Illinois, and  
5 any other agency, board, or commission designated by the  
6 Executive Ethics Commission.

7 (b) "State agency" means that term as defined in the  
8 Illinois State Auditing Act, as now or hereafter amended,  
9 except the judicial branch which shall be covered by subsection  
10 (c) of Section 2001 and Section 3004 of this Act.

11 (c) "Chief executive officer" includes, respectively, the  
12 Secretary of State, the State Comptroller, the State Treasurer,  
13 the Attorney General, the State Superintendent of Education,  
14 such chief executive officers as are designated by the  
15 governing board of each State college and university, the  
16 executive director of the Illinois Toll Highway Authority, and  
17 the executive director of the Illinois Housing Development  
18 Authority, as well as the chief executive officer of each  
19 designated other State agency.

20 (Source: P.A. 86-936; 09600SB0051enr.)

21 (30 ILCS 10/2001) (from Ch. 15, par. 2001)

22 Sec. 2001. Program of internal auditing.

23 (a) Each designated State agency as defined in Section  
24 1003(a) shall maintain a full-time program of internal  
25 auditing. In the event that a designated State agency is

1 merged, abolished, reorganized, or renamed, the successor  
2 State agency shall also be a designated State agency.

3 (a-5) Within 30 days after the effective date of this  
4 amendatory Act of the 96th General Assembly, each chief  
5 internal auditor transferred under Executive Order 2003-10 to  
6 the Department of Central Management Services shall be  
7 transferred to the auditor's designated State agency, and if an  
8 auditor does not have a designated State agency or has more  
9 than one designated State agency, then the chief executive  
10 officer of a State agency shall appoint such person as the  
11 chief internal auditor of a State agency. A chief internal  
12 auditor transferred under this amendatory Act of the 96th  
13 General Assembly shall be an employee of the State agency to  
14 which he or she was transferred or appointed and shall be  
15 appointed to a 5-year term beginning on the effective date of  
16 this amendatory Act of the 96th General Assembly. All other  
17 audit staff shall be transferred or assigned to State agencies  
18 at the direction of the Director of Central Management  
19 Services, in consultation with the chief internal auditor.

20 The rights of employees and of the State and its agencies  
21 under the Personnel Code and applicable collective bargaining  
22 agreements or under any pension retirement or annuity plan  
23 shall not be affected by this amendatory Act of the 96th  
24 General Assembly.

25 All books, records, papers, documents, property (real and  
26 personal), unexpended appropriations, and pending business

1 pertaining to the functions transferred by this amendatory Act  
2 of the 96th General Assembly shall be delivered to the  
3 respective State agency pursuant to the direction of the chief  
4 executive officer of that State agency.

5 (b) The chief executive officer of a State agency is not  
6 relieved from the responsibility for maintaining an effective  
7 internal control system merely because that State agency is not  
8 designated and required to have a full-time program of internal  
9 auditing under this Act. Agencies which do not have full-time  
10 internal audit programs may have internal audits performed by  
11 the Department of Central Management Services.

12 (c) The Supreme Court will establish by its rulemaking  
13 authority or by administrative order a full-time program of  
14 internal auditing of State-funded activities of the judicial  
15 branch, which is consistent with the intent of this Article.

16 (Source: P.A. 86-936; 09600SB0051enr.)

17 (30 ILCS 10/2002) (from Ch. 15, par. 2002)

18 Sec. 2002. Qualifications of chief internal auditor.

19 (a) The chief executive officer of each designated State  
20 agency shall appoint a chief internal auditor with a bachelor's  
21 degree, in accordance with the Personnel Code, personnel rules,  
22 and applicable bargaining agreements, who is:

23 (1) a certified internal auditor, a certified public  
24 accountant, or a certified information system auditor;

25 (2) an individual with at least 5 years of experience

1 conducting audits in units of government or fields related  
2 to the activities of the State agency that he or she is  
3 appointed to; and

4 (3) an individual who possesses at least 2 years of  
5 supervisory experience in conducting audits in units of  
6 government or fields related to the activities of the State  
7 agency that he or she is appointed to.

8 If the chief internal auditor appointed pursuant to this  
9 Section is an audit staff employee transferred under this  
10 amendatory Act of the 96th General Assembly, he or she shall  
11 meet the requirements of this subsection (a) within 18 months  
12 after the date of his or her appointment. ~~degree, who is~~  
13 ~~either:~~

14 ~~(1) a certified internal auditor by examination or a~~  
15 ~~certified public accountant and who has at least 4 years of~~  
16 ~~progressively responsible professional auditing~~  
17 ~~experience; or~~

18 ~~(2) an auditor with at least 5 years of progressively~~  
19 ~~responsible professional auditing experience.~~

20 (b) The chief internal auditor shall report directly to the  
21 chief executive officer and shall have direct communications  
22 with the chief executive officer and the governing board, if  
23 applicable, in the exercise of auditing activities. All chief  
24 internal auditors and all full-time members of an internal  
25 audit staff shall be free of all operational duties.

26 (c) The chief internal auditor shall serve a 5-year term

1 beginning on the date of the appointment. A chief internal  
2 auditor may be removed only for cause after a hearing before  
3 the Executive Ethics Commission concerning the removal. Any  
4 chief internal auditor who is appointed to replace a removed  
5 chief internal auditor may serve only until the expiration of  
6 the term of the removed chief internal auditor. The annual  
7 salary of a chief internal auditor cannot be diminished during  
8 the term of the chief internal auditor.

9 (Source: P.A. 86-936; 09600SB0051enr.)

10 Section 10. If and only if Senate Bill 51 of the 96th  
11 General Assembly, as enrolled, becomes law, then the Illinois  
12 Procurement Code is amended by changing Sections 1-15.15,  
13 1-15.107, 10-10, 10-15, 10-20, 20-25, 20-30, 20-120, 20-160,  
14 50-5, 50-10.5, 50-35, 50-37, 50-38, and 50-39 as follows:

15 (30 ILCS 500/1-15.15)

16 Sec. 1-15.15. Chief Procurement Officer.

17 (a) Before July 1, 2010, "Chief Procurement Officer" means:

18 (1) for procurements for construction and  
19 construction-related services committed by law to the  
20 jurisdiction or responsibility of the Capital Development  
21 Board, the executive director of the Capital Development  
22 Board.

23 (2) for procurements for all construction,  
24 construction-related services, operation of any facility,

1       and the provision of any service or activity committed by  
2       law to the jurisdiction or responsibility of the Illinois  
3       Department of Transportation, including the direct or  
4       reimbursable expenditure of all federal funds for which the  
5       Department of Transportation is responsible or accountable  
6       for the use thereof in accordance with federal law,  
7       regulation, or procedure, the Secretary of Transportation.

8       (3) for all procurements made by a public institution  
9       of higher education, a representative designated by the  
10       Governor.

11       (4) for all procurements made by the Illinois Power  
12       Agency, the Director of the Illinois Power Agency.

13       (5) for all other procurements, the Director of Central  
14       Management Services.

15       (b) On and after July 1, 2010, "Chief Procurement Officer"  
16       means any of the 4 persons appointed by a majority of the  
17       members of the Executive Ethics Commission for:

18               (1)       procurements       for       construction       and  
19       construction-related services committed by law to the  
20       jurisdiction or responsibility of the Capital Development  
21       Board.

22               (2)       procurements       for       all       construction,  
23       construction-related services, operation of any facility,  
24       and the provision of any service or activity committed by  
25       law to the jurisdiction or responsibility of the Illinois  
26       Department of Transportation, including the direct or

1 reimbursable expenditure of all federal funds for which the  
2 Department of Transportation is responsible or accountable  
3 for the use thereof in accordance with federal law,  
4 regulation, or procedure.

5 (3) all procurements made by a public institution of  
6 higher education.

7 (4) (Blank).

8 (5) all other procurements.

9 (Source: P.A. 95-481, eff. 8-28-07; 09600SB0051enr.)

10 (30 ILCS 500/1-15.107)

11 Sec. 1-15.107. Subcontract. "Subcontract" means a contract  
12 between a person and a person who has or is seeking a contract  
13 subject to this Code, pursuant to which the subcontractor  
14 provides to the contractor or another subcontractor who  
15 directly provides some or all of the goods, services, property,  
16 remuneration, or other forms of consideration that are the  
17 subject of the primary contract and includes, among other  
18 things, subleases from a lessee of a State agency.

19 (Source: 09600SB0051enr.)

20 (30 ILCS 500/10-10)

21 Sec. 10-10. Independent State purchasing officers.

22 (a) Before July 1, 2010, the chief procurement officer  
23 shall appoint and the director of each State agency shall  
24 approve a State purchasing officer to exercise within his or

1 her jurisdiction the procurement authority created by this  
2 Code. In the absence of an appointed and approved State  
3 purchasing officer under this subsection (a), the applicable  
4 chief procurement officer shall exercise the procurement  
5 authority created by this Code.

6 (b) ~~(a)~~ The chief procurement officer shall appoint a State  
7 purchasing officer for each agency that the chief procurement  
8 officer is responsible for under Section 1-15.15. A State  
9 purchasing officer shall be located in the State agency that  
10 the officer serves but shall report to his or her respective  
11 chief procurement officer and shall be an employee of the  
12 Executive Ethics Commission. A State purchasing officer may be  
13 assigned to one or more agencies. The State purchasing officer  
14 shall have direct communication with agency staff assigned to  
15 assist with any procurement process. At the direction of his or  
16 her respective chief procurement officer, a State purchasing  
17 officer shall enter into contracts for a purchasing agency. All  
18 actions of a State purchasing officer are subject to review by  
19 a chief procurement officer in accordance with procedures and  
20 policies established by the chief procurement officer. This  
21 subsection (b) applies on and after July 1, 2010.

22 (c) ~~(b)~~ In addition to any other requirement or  
23 qualification required by State law, within 18 months after  
24 appointment, a State purchasing officer must be a Certified  
25 Professional Public Buyer or a Certified Public Purchasing  
26 Officer, pursuant to certification by the Universal Public

1 Purchasing Certification Council. A State purchasing officer  
2 shall serve a term of 5 years beginning on the date of the  
3 officer's appointment. A State purchasing officer shall have an  
4 office located in the State agency that the officer serves but  
5 shall report to the chief procurement officer. A State  
6 purchasing officer may be removed by a chief procurement  
7 officer for cause after a hearing by the Executive Ethics  
8 Commission. The chief procurement officer or executive officer  
9 of the State agency housing the State purchasing officer may  
10 institute a complaint against the State purchasing officer by  
11 filing such a complaint with the Commission and the Commission  
12 shall have a public hearing based on the complaint. The State  
13 purchasing officer, chief procurement officer, and executive  
14 officer of the State agency shall receive notice of the hearing  
15 and shall be permitted to present their respective arguments on  
16 the complaint. After the hearing, the Commission shall make a  
17 non-binding recommendation on whether the State purchasing  
18 officer shall be removed. The salary of a State purchasing  
19 officer shall be established by the chief procurement officer  
20 and may not be diminished during the officer's term. In the  
21 absence of an appointed State purchasing officer, the  
22 applicable chief procurement officer shall exercise the  
23 procurement authority created by this Code and may appoint a  
24 temporary acting State purchasing officer. This subsection (c)  
25 applies on and after July 1, 2010.

26 (Source: P.A. 90-572, eff. date - See Sec. 99-5;

1 09600SB0051enr.)

2 (30 ILCS 500/10-15)

3 Sec. 10-15. Procurement compliance monitors.

4 (a) The Executive Ethics Commission shall appoint  
5 procurement compliance monitors to oversee and review the  
6 procurement processes. Each procurement compliance monitor  
7 shall serve a term of 5 years, with the initial term beginning  
8 on July 1, 2010 ~~beginning on the date of the officer's~~  
9 ~~appointment~~. Each procurement compliance monitor shall have an  
10 office located in the State agency that the monitor serves but  
11 shall report to the appropriate chief procurement officer. The  
12 compliance monitor shall have direct communications with the  
13 executive officer of a State agency in exercising duties. A  
14 procurement compliance monitor may be removed only for cause  
15 after a hearing by the Executive Ethics Commission. The  
16 appropriate chief procurement officer or executive officer of  
17 the State agency housing the procurement compliance monitor may  
18 institute a complaint against the procurement compliance  
19 monitor with the Commission and the Commission shall hold a  
20 public hearing based on the complaint. The procurement  
21 compliance monitor, State purchasing officer, appropriate  
22 chief procurement officer, and executive officer of the State  
23 agency shall receive notice of the hearing and shall be  
24 permitted to present their respective arguments on the  
25 complaint. After the hearing, the Commission shall determine

1 whether the procurement compliance monitor shall be removed.  
2 The salary of a procurement compliance monitor shall be  
3 established by the Executive Ethics Commission and may not be  
4 diminished during the officer's term.

5 (b) The procurement compliance monitor may: (i) review each  
6 contract or contract amendment prior to execution to ensure  
7 that applicable procurement and contracting standards were  
8 followed; (ii) attend any procurement meetings; (iii) access  
9 any records or files related to procurement; (iv) issue reports  
10 to the chief procurement officer on procurement issues that  
11 present issues or that have not been corrected after  
12 consultation with appropriate State officials; (v) ensure the  
13 State agency is maintaining appropriate records; and (vi)  
14 ensure transparency of the procurement process.

15 (c) If the procurement compliance monitor is aware of  
16 misconduct, waste, or inefficiency with respect to State  
17 procurement, the procurement compliance monitor shall advise  
18 the State agency of the issue. If the State agency does not  
19 correct the issue, the monitor shall report the problem to the  
20 chief procurement officer and Inspector General.

21 (Source: P.A. 90-572, eff. date - See Sec. 99-5;  
22 09600SB0051enr.)

23 (30 ILCS 500/10-20)

24 Sec. 10-20. Independent chief procurement officers.

25 (a) Appointment. By July 1, 2010 ~~Within 60 days after the~~

1 ~~effective date of this amendatory Act of the 96th General~~  
2 ~~Assembly,~~ the Executive Ethics Commission, with the advice and  
3 consent of the Senate shall appoint 4 chief procurement  
4 officers, one for each of the following categories:

5 (1) for procurements for construction and  
6 construction-related services committed by law to the  
7 jurisdiction or responsibility of the Capital Development  
8 Board;

9 (2) for procurements for all construction,  
10 construction-related services, operation of any facility,  
11 and the provision of any service or activity committed by  
12 law to the jurisdiction or responsibility of the Illinois  
13 Department of Transportation, including the direct or  
14 reimbursable expenditure of all federal funds for which the  
15 Department of Transportation is responsible or accountable  
16 for the use thereof in accordance with federal law,  
17 regulation, or procedure;

18 (3) for all procurements made by a public institution  
19 of higher education; and

20 (4) for all other procurement needs of State agencies.

21 A chief procurement officer shall be responsible to the  
22 Executive Ethics Commission but must be located within the  
23 agency that the officer provides with procurement services. The  
24 chief procurement officer for higher education shall have an  
25 office located within the Board of Higher Education, unless  
26 otherwise designated by the Executive Ethics Commission. The

1 chief procurement officer for all other procurement needs of  
2 the State shall have an office located within the Department of  
3 Central Management Services, unless otherwise designated by  
4 the Executive Ethics Commission.

5 (b) Terms and independence. Each chief procurement officer  
6 appointed under this Section shall serve for a term of 5 years  
7 beginning on the date of the officer's appointment. The chief  
8 procurement officer may be removed for cause after a hearing by  
9 the Executive Ethics Commission. The Governor or the director  
10 of a State agency directly responsible to the Governor may  
11 institute a complaint against the officer by filing such  
12 complaint with the Commission. The Commission shall have a  
13 hearing based on the complaint. The officer and the complainant  
14 shall receive reasonable notice of the hearing and shall be  
15 permitted to present their respective arguments on the  
16 complaint. After the hearing, the Commission shall make a  
17 finding on the complaint and may take disciplinary action,  
18 including but not limited to removal of the officer.

19 The salary of a chief procurement officer shall be  
20 established by the Executive Ethics Commission and may not be  
21 diminished during the officer's term. The salary may not exceed  
22 the salary of the director of a State agency for which the  
23 officer serves as chief procurement officer.

24 (c) Qualifications. In addition to any other requirement or  
25 qualification required by State law, each chief procurement  
26 officer must within 12 months of employment be a Certified

1 Professional Public Buyer or a Certified Public Purchasing  
2 Officer, pursuant to certification by the Universal Public  
3 Purchasing Certification Council, and must reside in Illinois.

4 (d) Fiduciary duty. Each chief procurement officer owes a  
5 fiduciary duty to the State.

6 (Source: 09600SB0051enr.)

7 (30 ILCS 500/20-25)

8 Sec. 20-25. Sole source procurements.

9 (a) In accordance with standards set by rule, contracts may  
10 be awarded without use of the specified method of source  
11 selection when there is only one economically feasible source  
12 for the item. On and after July 1, 2010, a ~~A~~ State contract may  
13 not be awarded as a sole source procurement unless approved by  
14 the chief procurement officer following a public hearing at  
15 which the chief procurement officer and purchasing agency  
16 present written justification for the procurement method. The  
17 Procurement Policy Board and the public may present testimony.

18 (b) This Section may not be used as a basis for amending a  
19 contract for professional or artistic services if the amendment  
20 would result in an increase in the amount paid under the  
21 contract of more than 5% of the initial award, or would extend  
22 the contract term beyond the time reasonably needed for a  
23 competitive procurement, not to exceed 2 months.

24 (c) Notice of intent to enter into a sole source contract  
25 shall be provided to the Procurement Policy Board and published

1 in the online electronic Bulletin at least 14 days before the  
2 public hearing required in subsection (a). The notice shall  
3 include the sole source procurement justification form  
4 prescribed by the Board, a description of the item to be  
5 procured, the intended sole source contractor, and the date,  
6 time, and location of the public hearing. A copy of the notice  
7 and all documents provided at the hearing shall be included in  
8 the subsequent Procurement Bulletin.

9 (Source: P.A. 90-572, eff. date - See Sec. 99-5;  
10 09600SB0051enr.)

11 (30 ILCS 500/20-30)

12 Sec. 20-30. Emergency purchases.

13 (a) Conditions for use. In accordance with standards set by  
14 rule, a purchasing agency may make emergency procurements  
15 without competitive sealed bidding or prior notice when there  
16 exists a threat to public health or public safety, or when  
17 immediate expenditure is necessary for repairs to State  
18 property in order to protect against further loss of or damage  
19 to State property, to prevent or minimize serious disruption in  
20 critical State services that affect health, safety, or  
21 collection of substantial State revenues, or to ensure the  
22 integrity of State records; provided, however, that the term of  
23 the emergency purchase shall be limited to the time reasonably  
24 needed for a competitive procurement, not to exceed 90 days. A  
25 contract may be extended beyond 90 days if the chief

1 procurement officer determines additional time is necessary  
2 and that the contract scope and duration are limited to the  
3 emergency. Prior to execution of the extension, the chief  
4 procurement officer must hold a public hearing and provide  
5 written justification for all emergency contracts. Members of  
6 the public may present testimony. Emergency procurements shall  
7 be made with as much competition as is practicable under the  
8 circumstances. A written description of the basis for the  
9 emergency and reasons for the selection of the particular  
10 contractor shall be included in the contract file.

11 (b) Notice. Notice of all emergency procurements shall be  
12 provided to the Procurement Policy Board and published in the  
13 online electronic Bulletin no later than 3 business days after  
14 the contract is awarded. Notice of intent to extend an  
15 emergency contract shall be provided to the Procurement Policy  
16 Board and published in the online electronic Bulletin at least  
17 14 days before the public hearing. Notice shall include at  
18 least a description of the need for the emergency purchase, the  
19 contractor, and if applicable, the date, time, and location of  
20 the public hearing. A copy of this notice and all documents  
21 provided at the hearing shall be included in the subsequent  
22 Procurement Bulletin. Before the next appropriate volume of the  
23 Illinois Procurement Bulletin, the purchasing agency shall  
24 publish in the Illinois Procurement Bulletin a copy of each  
25 written description and reasons and the total cost of each  
26 emergency procurement made during the previous month. When only

1 an estimate of the total cost is known at the time of  
2 publication, the estimate shall be identified as an estimate  
3 and published. When the actual total cost is determined, it  
4 shall also be published in like manner before the 10th day of  
5 the next succeeding month.

6 (c) Affidavits. A chief procurement officer making a  
7 procurement under this Section shall file affidavits with the  
8 Procurement Policy Board and the Auditor General within 10 days  
9 after the procurement setting forth the amount expended, the  
10 name of the contractor involved, and the conditions and  
11 circumstances requiring the emergency procurement. When only  
12 an estimate of the cost is available within 10 days after the  
13 procurement, the actual cost shall be reported immediately  
14 after it is determined. At the end of each fiscal quarter, the  
15 Auditor General shall file with the Legislative Audit  
16 Commission and the Governor a complete listing of all emergency  
17 procurements reported during that fiscal quarter. The  
18 Legislative Audit Commission shall review the emergency  
19 procurements so reported and, in its annual reports, advise the  
20 General Assembly of procurements that appear to constitute an  
21 abuse of this Section.

22 (d) Quick purchases. The chief procurement officer may  
23 promulgate rules extending the circumstances by which a  
24 purchasing agency may make purchases under this Section,  
25 including but not limited to the procurement of items available  
26 at a discount for a limited period of time.

1           (e) The changes to this Section made by this amendatory Act  
2 of the 96th General Assembly apply to procurements let or  
3 contracts executed on or after July 1, 2010 ~~its effective date~~.

4           (Source: P.A. 90-572, eff. date - See Sec. 99-5;  
5 09600SB0051enr.)

6           (30 ILCS 500/20-120)

7           Sec. 20-120. Subcontractors.

8           (a) Any contract granted under this Code shall state  
9 whether the services of a subcontractor will or may be used. To  
10 the extent that the information is known, the contract shall  
11 include the names and addresses of all subcontractors and the  
12 expected amount of money each will receive under the contract.  
13 The contractor shall provide the chief procurement officer or  
14 State purchasing officer a copy of any subcontract so  
15 identified within 20 days after the execution of the State  
16 contract or after execution of the subcontract, whichever is  
17 later.

18           (b) If at any time during the term of a contract, a  
19 contractor adds or changes any subcontractors, he or she shall  
20 promptly notify, in writing, the chief procurement officer,  
21 State purchasing officer, or their designee of the names and  
22 addresses and the expected amount of money each new or replaced  
23 subcontractor will receive. The contractor shall provide to the  
24 responsible chief procurement officer a copy of the subcontract  
25 within 20 days after the execution of the subcontract.

1 (c) In addition to any other requirements of this Code, a  
2 subcontract with a value of \$25,000 or more that is subject to  
3 this Section must include all of the subcontractor's  
4 certifications required by Article 50 of the Code.

5 (d) This Section applies to procurements let and contracts  
6 executed on or after the effective date of this amendatory Act  
7 of the 96th General Assembly, but does not apply to  
8 subcontracts with a value of less than \$25,000.

9 (Source: 09600SB0051enr.)

10 (30 ILCS 500/20-160)

11 Sec. 20-160. Business entities; certification;  
12 registration with the State Board of Elections.

13 (a) For purposes of this Section, the terms "business  
14 entity", "contract", "State contract", "contract with a State  
15 agency", "State agency", "affiliated entity", and "affiliated  
16 person" have the meanings ascribed to those terms in Section  
17 50-37.

18 (b) Every bid submitted to and every contract executed by  
19 the State on or after January 1, 2009 (the effective date of  
20 Public ~~this amendatory Act 95-971~~ ~~of the 95th General Assembly~~  
21 shall contain (1) a certification by the bidder or contractor  
22 that either (i) the bidder or contractor is not required to  
23 register as a business entity with the State Board of Elections  
24 pursuant to this Section or (ii) the bidder or contractor has  
25 registered as a business entity with the State Board of

1 Elections and acknowledges a continuing duty to update the  
2 registration and (2) a statement that the contract is voidable  
3 under Section 50-60 for the bidder's or contractor's failure to  
4 comply with this Section.

5 (c) Within 30 days after the effective date of this  
6 amendatory Act of the 95th General Assembly, each business  
7 entity (i) whose aggregate bids and proposals on State  
8 contracts annually total more than \$50,000, (ii) whose  
9 aggregate bids and proposals on State contracts combined with  
10 the business entity's aggregate annual total value of State  
11 contracts exceed \$50,000, or (iii) whose contracts with State  
12 agencies, in the aggregate, annually total more than \$50,000  
13 shall register with the State Board of Elections in accordance  
14 with Section 9-35 of the Election Code. A business entity  
15 required to register under this subsection shall submit a copy  
16 of the certificate of registration to the applicable chief  
17 procurement officer within 90 days after the effective date of  
18 this amendatory Act of the 95th General Assembly. A business  
19 entity required to register under this subsection due to item  
20 (i) or (ii) has a continuing duty to ensure that the  
21 registration is accurate during the period beginning on the  
22 date of registration and ending on the day after the date the  
23 contract is awarded; any change in information must be reported  
24 to the State Board of Elections 5 business days following such  
25 change or no later than a day before the contract is awarded,  
26 whichever date is earlier. A business entity required to

1 register under this subsection due to item (iii) has a  
2 continuing duty to report any changes in information to the  
3 State Board of Elections on the final day of January, April,  
4 July, and October of each year, or the first business day after  
5 such dates, if such dates do not fall on a business day.

6 (d) Any business entity, not required under subsection (c)  
7 to register within 30 days after the effective date of this  
8 amendatory Act of the 95th General Assembly, whose aggregate  
9 bids and proposals on State contracts annually total more than  
10 \$50,000, or whose aggregate bids and proposals on State  
11 contracts combined with the business entity's aggregate annual  
12 total value of State contracts exceed \$50,000, shall register  
13 with the State Board of Elections in accordance with Section  
14 9-35 of the Election Code prior to submitting to a State agency  
15 the bid or proposal whose value causes the business entity to  
16 fall within the monetary description of this subsection. A  
17 business entity required to register under this subsection has  
18 a continuing duty to ensure that the registration is accurate  
19 during the period beginning on the date of registration and  
20 ending on the day after the date the contract is awarded. Any  
21 change in information must be reported to the State Board of  
22 Elections within 5 business days following such change or no  
23 later than a day before the contract is awarded, whichever date  
24 is earlier.

25 (e) A business entity whose contracts with State agencies,  
26 in the aggregate, annually total more than \$50,000 must

1 maintain its registration under this Section and has a  
2 continuing duty to ensure that the registration is accurate for  
3 the duration of the term of office of the incumbent  
4 officeholder awarding the contracts or for a period of 2 years  
5 following the expiration or termination of the contracts,  
6 whichever is longer. Any change in information shall be  
7 reported to the State Board of Elections on the final day of  
8 January, April, July, and October of each year, or the first  
9 business day after such dates, if such dates do not fall on a  
10 business day. If a business entity required to register under  
11 this subsection has a pending bid or proposal, any change in  
12 information shall be reported to the State Board of Elections  
13 within 5 business days following such change or no later than a  
14 day before the contract is awarded, whichever date is earlier.  
15 Failure to file by the required date is a violation for which  
16 the State Board of Elections shall impose a civil penalty.

17 (f) A business entity's continuing duty under this Section  
18 to ensure the accuracy of its registration includes the  
19 requirement that the business entity notify the State Board of  
20 Elections of any change in information, including but not  
21 limited to changes of affiliated entities or affiliated  
22 persons.

23 (g) A copy of a certificate of registration must accompany  
24 any bid or proposal for a contract with a State agency by a  
25 business entity required to register under this Section. A  
26 chief procurement officer shall not accept a bid or proposal

1 unless the certificate is submitted to the agency with the bid  
2 or proposal.

3 (h) A registration, and any changes to a registration, must  
4 include the business entity's verification of accuracy and  
5 subjects the business entity to the penalties of the laws of  
6 this State for perjury.

7 In addition to any penalty under Section 9-35 of the  
8 Election Code, intentional, willful, or material failure to  
9 disclose information required for registration shall render  
10 the contract, bid, proposal, or other procurement relationship  
11 voidable by the chief procurement officer if he or she deems it  
12 to be in the best interest of the State of Illinois.

13 (i) This Section applies regardless of the method of source  
14 selection used in awarding the contract.

15 (Source: P.A. 95-971, eff. 1-1-09; 09600SB0051enr.)

16 (30 ILCS 500/50-5)

17 Sec. 50-5. Bribery.

18 (a) Prohibition. No person or business shall be awarded a  
19 contract or subcontract under this Code who:

20 (1) has been convicted under the laws of Illinois or  
21 any other state of bribery or attempting to bribe an  
22 officer or employee of the State of Illinois or any other  
23 state in that officer's or employee's official capacity; or

24 (2) has made an admission of guilt of that conduct that  
25 is a matter of record but has not been prosecuted for that

1           conduct.

2           (b) Businesses. No business shall be barred from  
3           contracting with any unit of State or local government, or  
4           subcontracting under such a contract, as a result of a  
5           conviction under this Section of any employee or agent of the  
6           business if the employee or agent is no longer employed by the  
7           business and:

8                   (1) the business has been finally adjudicated not  
9                   guilty; or

10                   (2) the business demonstrates to the governmental  
11                   entity with which it seeks to contract or which is a  
12                   signatory to the contract to which the subcontract relates,  
13                   and that entity finds that the commission of the offense  
14                   was not authorized, requested, commanded, or performed by a  
15                   director, officer, or high managerial agent on behalf of  
16                   the business as provided in paragraph (2) of subsection (a)  
17                   of Section 5-4 of the Criminal Code of 1961.

18           (c) Conduct on behalf of business. For purposes of this  
19           Section, when an official, agent, or employee of a business  
20           committed the bribery or attempted bribery on behalf of the  
21           business and in accordance with the direction or authorization  
22           of a responsible official of the business, the business shall  
23           be chargeable with the conduct.

24           (d) Certification. Every bid submitted to and contract  
25           executed by the State and every subcontract with a value of  
26           \$25,000 or more that is subject to Section 20-120 of this Code

1 shall contain a certification by the contractor or the  
2 subcontractor, respectively, that the contractor or  
3 subcontractor is not barred from being awarded a contract or  
4 subcontract under this Section and acknowledges that the chief  
5 procurement officer may declare the related contract void if  
6 any certifications required by this Section are false. A  
7 contractor who makes a false statement, material to the  
8 certification, commits a Class 3 felony.

9 (Source: P.A. 90-572, eff. 2-6-98; 09600SB0051enr.)

10 (30 ILCS 500/50-10.5)

11 Sec. 50-10.5. Prohibited bidders and contractors.

12 (a) Unless otherwise provided, no business shall bid or  
13 enter into a contract or subcontract under this Code if the  
14 business or any officer, director, partner, or other managerial  
15 agent of the business has been convicted of a felony under the  
16 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under  
17 the Illinois Securities Law of 1953 for a period of 5 years  
18 from the date of conviction.

19 (b) Every bid submitted to and contract executed by the  
20 State and every subcontract subject to Section 20-120 of this  
21 Code shall contain a certification by the bidder, contractor,  
22 or subcontractor, respectively, that the bidder, contractor,  
23 or subcontractor is not barred from being awarded a contract or  
24 subcontract under this Section and acknowledges that the chief  
25 procurement officer shall declare the related contract void if

1 any of the certifications completed pursuant to this subsection  
2 (b) are false.

3 (c) If a business is not a natural person, the prohibition  
4 in subsection (a) applies only if:

5 (1) the business itself is convicted of a felony  
6 referenced in subsection (a); or

7 (2) the business is ordered to pay punitive damages  
8 based on the conduct of any officer, director, partner, or  
9 other managerial agent who has been convicted of a felony  
10 referenced in subsection (a).

11 (d) A natural person who is convicted of a felony  
12 referenced in subsection (a) remains subject to Section 50-10.

13 (e) No person or business shall bid or enter into a  
14 contract under this Code if the person or business:

15 (1) assisted the State of Illinois or a State agency in  
16 determining whether there is a need for a contract except  
17 as part of a response to a publicly issued request for  
18 information; or

19 (2) assisted the State of Illinois or a State agency by  
20 reviewing, drafting, or preparing a solicitation ~~request~~  
21 ~~for proposals~~ or request for information or provided  
22 similar assistance.

23 For purposes of this subsection (e), "business" includes  
24 all individuals with whom a business is affiliated, including,  
25 but not limited to, any officer, agent, employee, consultant,  
26 independent contractor, director, partner, manager, or

1 shareholder of a business.

2 (Source: P.A. 93-600, eff. 1-1-04; 09600SB0051enr.)

3 (30 ILCS 500/50-35)

4 Sec. 50-35. Financial disclosure and potential conflicts  
5 of interest.

6 (a) All offers from responsive bidders or offerors with an  
7 annual value of more than \$10,000, and all subcontracts with a  
8 value of \$25,000 or more, ~~copies of which must be provided by~~  
9 ~~Section 20-120 of this Code~~, shall be accompanied by disclosure  
10 of the financial interests of the contractor, bidder, or  
11 proposer and each subcontractor to be used. The financial  
12 disclosure of each successful bidder or offeror and its  
13 subcontractors shall be incorporated as a material term of the  
14 contract and shall become part of the publicly available  
15 contract or procurement file maintained by the appropriate  
16 chief procurement officer. Each disclosure under this Section  
17 and Section 50-34 shall be signed and made under penalty of  
18 perjury by an authorized officer or employee on behalf of the  
19 bidder or offeror, and must be filed with the Procurement  
20 Policy Board. This Section does not apply to subcontracts with  
21 a value of less than \$25,000.

22 (b) Disclosure shall include any ownership or distributive  
23 income share that is in excess of 5%, or an amount greater than  
24 60% of the annual salary of the Governor, of the disclosing  
25 entity or its parent entity, whichever is less, unless the

1 contractor, bidder, or subcontractor (i) is a publicly traded  
2 entity subject to Federal 10K reporting, in which case it may  
3 submit its 10K disclosure in place of the prescribed  
4 disclosure, or (ii) is a privately held entity that is exempt  
5 from Federal 10k reporting but has more than 400 shareholders,  
6 in which case it may submit the information that Federal 10k  
7 reporting companies are required to report under 17 CFR 229.401  
8 and list the names of any person or entity holding any  
9 ownership share that is in excess of 5% in place of the  
10 prescribed disclosure. The form of disclosure shall be  
11 prescribed by the applicable chief procurement officer and must  
12 include at least the names, addresses, and dollar or  
13 proportionate share of ownership of each person identified in  
14 this Section, their instrument of ownership or beneficial  
15 relationship, and notice of any potential conflict of interest  
16 resulting from the current ownership or beneficial  
17 relationship of each person identified in this Section having  
18 in addition any of the following relationships:

19 (1) State employment, currently or in the previous 3  
20 years, including contractual employment of services.

21 (2) State employment of spouse, father, mother, son, or  
22 daughter, including contractual employment for services in  
23 the previous 2 years.

24 (3) Elective status; the holding of elective office of  
25 the State of Illinois, the government of the United States,  
26 any unit of local government authorized by the Constitution

1 of the State of Illinois or the statutes of the State of  
2 Illinois currently or in the previous 3 years.

3 (4) Relationship to anyone holding elective office  
4 currently or in the previous 2 years; spouse, father,  
5 mother, son, or daughter.

6 (5) Appointive office; the holding of any appointive  
7 government office of the State of Illinois, the United  
8 States of America, or any unit of local government  
9 authorized by the Constitution of the State of Illinois or  
10 the statutes of the State of Illinois, which office  
11 entitles the holder to compensation in excess of expenses  
12 incurred in the discharge of that office currently or in  
13 the previous 3 years.

14 (6) Relationship to anyone holding appointive office  
15 currently or in the previous 2 years; spouse, father,  
16 mother, son, or daughter.

17 (7) Employment, currently or in the previous 3 years,  
18 as or by any registered lobbyist of the State government.

19 (8) Relationship to anyone who is or was a registered  
20 lobbyist in the previous 2 years; spouse, father, mother,  
21 son, or daughter.

22 (9) Compensated employment, currently or in the  
23 previous 3 years, by any registered election or re-election  
24 committee registered with the Secretary of State or any  
25 county clerk in the State of Illinois, or any political  
26 action committee registered with either the Secretary of

1 State or the Federal Board of Elections.

2 (10) Relationship to anyone; spouse, father, mother,  
3 son, or daughter; who is or was a compensated employee in  
4 the last 2 years of any registered election or re-election  
5 committee registered with the Secretary of State or any  
6 county clerk in the State of Illinois, or any political  
7 action committee registered with either the Secretary of  
8 State or the Federal Board of Elections.

9 (b-1) The disclosure required under this Section must also  
10 include the name and address of each lobbyist and other agent  
11 of the bidder or offeror who is not identified under  
12 subsections (a) and (b) and who has communicated, is  
13 communicating, or may communicate with any State officer or  
14 employee concerning the bid or offer. The disclosure under this  
15 subsection is a continuing obligation and must be promptly  
16 supplemented for accuracy throughout the process and  
17 throughout the term of the contract if the bid or offer is  
18 successful.

19 (b-2) The disclosure required under this Section must also  
20 include, for each of the persons identified in subsection (b)  
21 or (b-1), each of the following that occurred within the  
22 previous 10 years: debarment from contracting with any  
23 governmental entity; professional licensure discipline;  
24 bankruptcies; adverse civil judgments and administrative  
25 findings; and criminal felony convictions. The disclosure  
26 under this subsection is a continuing obligation and must be

1 promptly supplemented for accuracy throughout the process and  
2 throughout the term of the contract if the bid or offer is  
3 successful.

4 (c) The disclosure in subsection (b) is not intended to  
5 prohibit or prevent any contract. The disclosure is meant to  
6 fully and publicly disclose any potential conflict to the chief  
7 procurement officers, State purchasing officers, their  
8 designees, and executive officers so they may adequately  
9 discharge their duty to protect the State.

10 (d) When a potential for a conflict of interest is  
11 identified, discovered, or reasonably suspected, the chief  
12 procurement officer or State procurement officer shall send the  
13 contract to the Procurement Policy Board. The Board shall  
14 recommend, in writing, whether to allow or void the contract,  
15 bid, offer, or subcontract weighing the best interest of the  
16 State of Illinois. All recommendations shall be submitted to  
17 the chief procurement officer. The chief procurement officer  
18 must hold a public hearing if the Procurement Policy Board  
19 makes a recommendation to (i) void a contract or (ii) void a  
20 bid or offer and the chief procurement officer selected or  
21 intends to award the contract to the bidder or offeror. A chief  
22 procurement officer is prohibited from awarding a contract  
23 before a hearing if the Board recommendation does not support a  
24 bid or offer. The recommendation and proceedings of any  
25 hearing, if applicable, shall become part of the contract, bid,  
26 or proposal file and shall be available to the public.

1 (e) These thresholds and disclosure do not relieve the  
2 chief procurement officer, the State purchasing officer, or  
3 their designees from reasonable care and diligence for any  
4 contract, bid, offer, or proposal. The chief procurement  
5 officer, the State purchasing officer, or their designees shall  
6 be responsible for using any reasonably known and publicly  
7 available information to discover any undisclosed potential  
8 conflict of interest and act to protect the best interest of  
9 the State of Illinois.

10 (f) Inadvertent or accidental failure to fully disclose  
11 shall render the contract, bid, proposal, subcontract, or  
12 relationship voidable by the chief procurement officer if he or  
13 she deems it in the best interest of the State of Illinois and,  
14 at his or her discretion, may be cause for barring from future  
15 contracts, bids, proposals, subcontracts, or relationships  
16 with the State for a period of up to 2 years.

17 (g) Intentional, willful, or material failure to disclose  
18 shall render the contract, bid, proposal, subcontract, or  
19 relationship voidable by the chief procurement officer if he or  
20 she deems it in the best interest of the State of Illinois and  
21 shall result in debarment from future contracts, bids,  
22 proposals, subcontracts, or relationships for a period of not  
23 less than 2 years and not more than 10 years. Reinstatement  
24 after 2 years and before 10 years must be reviewed and  
25 commented on in writing by the Governor of the State of  
26 Illinois, or by an executive ethics board or commission he or

1 she might designate. The comment shall be returned to the  
2 responsible chief procurement officer who must rule in writing  
3 whether and when to reinstate.

4 (h) In addition, all disclosures shall note any other  
5 current or pending contracts, proposals, subcontracts, leases,  
6 or other ongoing procurement relationships the bidding,  
7 proposing, offering, or subcontracting entity has with any  
8 other unit of State government and shall clearly identify the  
9 unit and the contract, proposal, lease, or other relationship.

10 (i) The contractor or bidder has a continuing obligation to  
11 supplement the disclosure required by this Section throughout  
12 the bidding process or during the term of any contract.

13 (Source: P.A. 95-331, eff. 8-21-07; 09600SB0051enr.)

14 (30 ILCS 500/50-37)

15 Sec. 50-37. Prohibition of political contributions.

16 (a) As used in this Section:

17 The terms "contract", "State contract", and "contract  
18 with a State agency" each mean any contract, as defined in  
19 this Code, between a business entity and a State agency let  
20 or awarded pursuant to this Code. The terms "contract",  
21 "State contract", and "contract with a State agency" do not  
22 include cost reimbursement contracts; purchase of care  
23 agreements as defined in Section 1-15.68 of this Code;  
24 contracts for projects eligible for full or partial  
25 federal-aid funding reimbursements authorized by the

1 Federal Highway Administration; grants, including but are  
2 not limited to grants for job training or transportation;  
3 and grants, loans, or tax credit agreements for economic  
4 development purposes.

5 "Contribution" means a contribution as defined in  
6 Section 9-1.4 of the Election Code.

7 "Declared candidate" means a person who has filed a  
8 statement of candidacy and petition for nomination or  
9 election in the principal office of the State Board of  
10 Elections.

11 "State agency" means and includes all boards,  
12 commissions, agencies, institutions, authorities, and  
13 bodies politic and corporate of the State, created by or in  
14 accordance with the Illinois Constitution or State  
15 statute, of the executive branch of State government and  
16 does include colleges, universities, public employee  
17 retirement systems, and institutions under the  
18 jurisdiction of the governing boards of the University of  
19 Illinois, Southern Illinois University, Illinois State  
20 University, Eastern Illinois University, Northern Illinois  
21 University, Western Illinois University, Chicago State  
22 University, Governors State University, Northeastern  
23 Illinois University, and the Illinois Board of Higher  
24 Education.

25 "Officeholder" means the Governor, Lieutenant  
26 Governor, Attorney General, Secretary of State,

1 Comptroller, or Treasurer. The Governor shall be  
2 considered the officeholder responsible for awarding all  
3 contracts by all officers and employees of, and vendors and  
4 others doing business with, executive branch State  
5 agencies under the jurisdiction of the Executive Ethics  
6 Commission and not within the jurisdiction of the Attorney  
7 General, the Secretary of State, the Comptroller, or the  
8 Treasurer.

9 "Sponsoring entity" means a sponsoring entity as  
10 defined in Section 9-3 of the Election Code.

11 "Affiliated person" means (i) any person with any  
12 ownership interest or distributive share of the bidding or  
13 contracting business entity in excess of 7.5%, (ii)  
14 executive employees of the bidding or contracting business  
15 entity, and (iii) the spouse of any such persons.  
16 "Affiliated person" does not include a person prohibited by  
17 federal law from making contributions or expenditures in  
18 connection with a federal, state, or local election.

19 "Affiliated entity" means (i) any corporate parent and  
20 each operating subsidiary of the bidding or contracting  
21 business entity, (ii) each operating subsidiary of the  
22 corporate parent of the bidding or contracting business  
23 entity, (iii) any organization recognized by the United  
24 States Internal Revenue Service as a tax-exempt  
25 organization described in Section 501(c) of the Internal  
26 Revenue Code of 1986 (or any successor provision of federal

1 tax law) established by the bidding or contracting business  
2 entity, any affiliated entity of that business entity, or  
3 any affiliated person of that business entity, or (iv) any  
4 political committee for which the bidding or contracting  
5 business entity, or any 501(c) organization described in  
6 item (iii) related to that business entity, is the  
7 sponsoring entity. "Affiliated entity" does not include an  
8 entity prohibited by federal law from making contributions  
9 or expenditures in connection with a federal, state, or  
10 local election.

11 "Business entity" means any entity doing business for  
12 profit, whether organized as a corporation, partnership,  
13 sole proprietorship, limited liability company or  
14 partnership, or otherwise.

15 "Executive employee" means (i) the President,  
16 Chairman, or Chief Executive Officer of a business entity  
17 and any other individual that fulfills equivalent duties as  
18 the President, Chairman of the Board, or Chief Executive  
19 Officer of a business entity; and (ii) any employee of a  
20 business entity whose compensation is determined directly,  
21 in whole or in part, by the award or payment of contracts  
22 by a State agency to the entity employing the employee. A  
23 regular salary that is paid irrespective of the award or  
24 payment of a contract with a State agency shall not  
25 constitute "compensation" under item (ii) of this  
26 definition. "Executive employee" does not include any

1       person prohibited by federal law from making contributions  
2       or expenditures in connection with a federal, state, or  
3       local election.

4       (b) Any business entity whose contracts with State  
5 agencies, in the aggregate, annually total more than \$50,000,  
6 and any affiliated entities or affiliated persons of such  
7 business entity, are prohibited from making any contributions  
8 to any political committees established to promote the  
9 candidacy of (i) the officeholder responsible for awarding the  
10 contracts or (ii) any other declared candidate for that office.  
11 This prohibition shall be effective for the duration of the  
12 term of office of the incumbent officeholder awarding the  
13 contracts or for a period of 2 years following the expiration  
14 or termination of the contracts, whichever is longer.

15       (c) Any business entity whose aggregate pending bids and  
16 proposals on State contracts total more than \$50,000, or whose  
17 aggregate pending bids and proposals on State contracts  
18 combined with the business entity's aggregate annual total  
19 value of State contracts exceed \$50,000, and any affiliated  
20 entities or affiliated persons of such business entity, are  
21 prohibited from making any contributions to any political  
22 committee established to promote the candidacy of the  
23 officeholder responsible for awarding the contract on which the  
24 business entity has submitted a bid or proposal during the  
25 period beginning on the date the invitation for bids or request  
26 for proposals is issued and ending on the day after the date

1 the contract is awarded.

2 (d) All contracts between State agencies and a business  
3 entity that violate subsection (b) or (c) shall be voidable  
4 under Section 50-60. If a business entity violates subsection  
5 (b) 3 or more times within a 36-month period, then all  
6 contracts between State agencies and that business entity shall  
7 be void, and that business entity shall not bid or respond to  
8 any invitation to bid or request for proposals from any State  
9 agency or otherwise enter into any contract with any State  
10 agency for 3 years from the date of the last violation. A  
11 notice of each violation and the penalty imposed shall be  
12 published in both the Procurement Bulletin and the Illinois  
13 Register.

14 (e) Any political committee that has received a  
15 contribution in violation of subsection (b) or (c) shall pay an  
16 amount equal to the value of the contribution to the State no  
17 more than 30 days after notice of the violation concerning the  
18 contribution appears in the Illinois Register. Payments  
19 received by the State pursuant to this subsection shall be  
20 deposited into the general revenue fund.

21 (Source: P.A. 95-971, eff. 1-1-09; 95-1038, eff. 3-11-09;  
22 09600SB0051enr.)

23 (30 ILCS 500/50-38)

24 Sec. 50-38. Lobbying restrictions.

25 (a) A person or business that is let or awarded a contract

1 is not entitled to receive any payment, compensation, or other  
2 remuneration from the State to compensate the person or  
3 business for any expenses related to travel, lodging, or meals  
4 that are paid by the person or business to any officer, agent,  
5 employee, consultant, independent contractor, director,  
6 partner, manager, or shareholder, except pursuant to a contract  
7 providing for reimbursement limited to the rates approved for  
8 travel by a State employee.

9 (b) Any bidder or offeror on a State contract that hires a  
10 person required to register under the Lobbyist Registration Act  
11 to assist in obtaining a contract shall (i) disclose all costs,  
12 fees, compensation, reimbursements, and other remunerations  
13 paid or to be paid to the lobbyist related to the contract,  
14 (ii) not bill or otherwise cause the State of Illinois to pay  
15 for any of the lobbyist's costs, fees, compensation,  
16 reimbursements, or other remuneration, and (iii) sign a  
17 verification certifying that none of the lobbyist's costs,  
18 fees, compensation, reimbursements, or other remuneration were  
19 billed to the State. This information, along with all  
20 supporting documents, shall be filed with the agency awarding  
21 the contract and with the Secretary of State. The chief  
22 procurement officer shall post this information, together with  
23 the contract award notice, in the online Procurement Bulletin.

24 (c) Ban on contingency fee. No person or entity shall  
25 retain a person or entity to attempt to influence the outcome  
26 of a procurement decision made under this Code for compensation

1 contingent in whole or in part upon the decision or  
2 procurement. Any person who violates this subsection is guilty  
3 of a business offense and shall be fined not more than \$10,000.  
4 (Source: 09600SB0051enr.)

5 (30 ILCS 500/50-39)

6 Sec. 50-39. Procurement communications reporting  
7 requirement.

8 (a) Any written or oral communication received by a State  
9 employee that imparts or requests material information or makes  
10 a material argument regarding potential action concerning a  
11 procurement matter, including, but not limited to, an  
12 application, a contract, or a project, shall be reported to the  
13 Procurement Policy Board.

14 (b) The report required by subsection (a) shall be  
15 submitted monthly and include at least the following: (i) the  
16 date and time of each communication; (ii) the identity of each  
17 person from whom the written or oral communication was  
18 received, the individual or entity represented by that person,  
19 and any action the person requested or recommended; (iii) the  
20 identity and job title of the person to whom each communication  
21 was made; (iv) if a response is made, the identity and job  
22 title of the person making each response; (v) a detailed  
23 summary of the points made by each person involved in the  
24 communication; (vi) the duration of the communication; (vii)  
25 the location or locations of all persons involved in the

1 communication and, if the communication occurred by telephone,  
2 the telephone numbers for the callers and recipients of the  
3 communication; and (viii) any other pertinent information.

4 (c) Additionally, when an oral communication made by a  
5 person required to register under the Lobbyist Registration Act  
6 is received by a State employee that is covered under this  
7 Section, all individuals who initiate or participate in the  
8 oral communication shall submit a written report to that State  
9 employee that memorializes the communication and includes, but  
10 is not limited to, the items listed in subsection (b).

11 (d) The Procurement Policy Board shall make each report  
12 submitted pursuant to this Section available on its website  
13 within 7 days after its receipt of the report. The Executive  
14 Ethics Commission ~~Procurement Policy Board~~ may promulgate  
15 rules to ensure uniform compliance with and reporting under  
16 this Section.

17 (e) An employee who knowingly and intentionally violates  
18 this Section shall be subject to suspension or discharge.

19 (f) This Section applies on and after July 1, 2010.

20 (Source: 09600SB0051enr.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."